

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Julie Philippi, SBN 166108 The Turoci Firm 3845 Tenth Street, Riverside, CA 92501 Tel. (888) 332-8362 Fax (866) 762-0618 email: mail@theturocifirm.com  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: chapter 7 trustee, Robert Whitmore	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION**

In re: Donald Sheldon Kaplan and Joanne Natalie Kaplan          Debtor(s).	CASE NO.: 6:17-bk-18733WJ CHAPTER: 11          <b>NOTICE OF SALE OF ESTATE PROPERTY</b>
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<b>Sale Date:</b> 09/10/2019	<b>Time:</b> 1:00 pm
<b>Location:</b> US Bankruptcy Court, Courtroom 304, 3420 Twelfth Street, Riverside, CA 92501	

**Type of Sale:** ☒ Public ☐ Private **Last date to file objections:** 08/27/2019

**Description of property to be sold:**

3906 Fairbreeze Circle, Westlake Village, California 91361. See Attachment 1 for complete legal description.

**Terms and conditions of sale:** Main terms include: Property sold is the Trustee's right, title, and interest in the property free and clear of liens and interests, as is and where is, without warranties or representations. The sale is not subject to any contingencies except the written approval of the senior lienholder. Sale is subject to minimum overbid of at least \$10,000 with subsequent overbids in \$5,000 increments. Overbidders must financially qualify. Broker's commission is 6%. Any overbidder must be willing to pay a Release Fee of \$68,750 to the Estate as a closing cost.

**Proposed sale price:** \$ 2,080,000.00

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**Overbid procedure (if any):**

See Attachment 2.

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

September 10, 2019 at 1:00 p.m.  
US Bankruptcy Court  
Courtroom 304  
3420 Twelfth Street  
Riverside, CA 92501

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Deborah Priebe, The Dyson Companies  
12707 High Bluff Dr. #200  
San Diego, CA 92130  
Office (206) 450-2832  
Email: debpriebe@sss-lv.com

Date: 8.12.19

## **LEGAL DESCRIPTION**

### **ATTACHMENT 1**

3906 Fairbreeze Circle, Westlake Village, CA 91361

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1:

Lot 34 of Tract No. 26946, in the City of Westlake Village, County of Los Angeles, State of California, as per map recorded in Book 765, Pages 51 through 54 inclusive of Maps, in the Office of the County Recorder of said County.

EXCEPT all the oil, gas and other hydrocarbon substances lying below a depth of 500 feet, measured vertically, from the surface of said land, without, however any right, to enter upon the surface of said land nor into that portion of the subsurface thereof lying above a depth of 500 feet, measured vertically from said surface, as granted to American-Hawaiian Steamship Company by deed recorded April 5, 1966 in Book D-3261 Page 937 of Official Records.

Parcel 2:

A nonexclusive easement for purposes of ingress and egress to use and pass over Lots 145 through 148, inclusive of Tract No. 26946, in the County of Los Angeles, State of California, as per map recorded in Book 765, Pages 51 through 54 inclusive of Maps, in the Office of the County Recorder of said County, said lots being designated on said map as private and future streets.

Assessor's Parcel No: 2059-013-019

OVERBID PROCEDURE

ATTACHMENT 2

1. Only qualifying overbids will be eligible for the purchase of the real property at 3906 Fairbreeze Circle, Westlake Village, California 91361 (the "Property").
2. Any party interested in submitting an overbid to purchase the Property must, not later than 12:00 p.m. (Pacific Time) three business days before the above-captioned hearing ("Deadline"), deliver the overbid in writing to the Trustee and counsel for the Trustee in accordance with the requirements below.
3. A qualifying overbid must: (a) equal or exceed \$2,090,000; (b) must be submitted with proof of financing and a deposit equal to 3% of the overbid in the form of a Cashier's Check made payable to the Trustee's Broker; (c) must not be subject to the due diligence or inspection of the overbidder; (d) must agree to the Release Fee as set forth in the motion; (e) must agree to all other terms of the RPA, including but not limited to the sale "as is" and "where is;" and (f) must be delivered and actually received by the Trustee and his counsel by the Deadline. The Trustee possesses sole discretion to determine if an overbid is a qualifying overbid.
3. If a qualifying overbid is received, a public auction will be held at the hearing. At the public auction, minimum bid increments after the initial overbids shall be in increments of \$5,000 and satisfy the other qualifying overbid requirements (except for the Deadline condition). The Trustee will have sole discretion in determining which overbid is the best for the Estate and will seek approval from the Court of the same.



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

3845 Tenth Street  
Riverside, CA 92501

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 08/12/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* 08/12/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Hon. Wayne Johnson  
USBC Riverside Division  
3420 Twelfth Street, Suite 385  
Riverside, CA 92501

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

8/12/19      Adela Salgado  
Date                      Printed Name

  
Signature

- **Richard T Baum** rickbaum@hotmail.com, rickbaum@ecf.inforuptcy.com
- **Katelin Busick** home.sfbank-bccbkadmin.208n00@statefarm.com
- **Nancy L Lee** bknotice@mccarthyholthus.com, nlee@ecf.courtdrive.com
- **James F Lewin** james.lewin@mtglawfirm.com,  
jimlewin7@gmail.com; jenelly.goldade@mtglawfirm.com; renee.parker@mtglawfirm.co  
m; bankruptcy@mtglawfirm.com
- **Christina J O** christinao@mclaw.org,  
CACD\_ECF@mclaw.org; mcecfnotices@ecf.courtdrive.com
- **Warren Parker** warren.parker@wellsfargo.com
- **Julie Philippi** Julie@theturocifirm.com, mail@theturocifirm.com
- **Mitchell R Sussman** raventv1@aol.com
- **United States Trustee (RS)** ustpreion16.rs.ecf@usdoj.gov
- **Robert Whitmore (TR)** rswtrustee@yahoo.com, rwhitmore@ecf.axosfs.com  
Riverside, CA 92501

Served via US Mail:

Judge's Copy

Hon. Wayne Johnson  
USBC Riverside Division  
3420 Twelfth Street, Suite 385

Debtors

Donald and Joanne Kaplan  
1556 Concha Circle  
Palm Springs, CA 92264-9505